IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: SAITO et al.

Group Art Unit:1794

Serial No.: 10/534,950

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For: Acid Emulsified Mayonnaise-Like Food

DECLARATION UNDER 37 CFR1.132

Commissioner for Patents
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Sir:

I, Akemi SATO, a citizen of Japan, hereby declare and state:

1. I have a degree in Food Chemistry which was conferred upon me by Graduate School of Tokyo University of Science, Faculty of Science and Technology, in Chiba, Japan, in March 2003.

2. I have been employed by The Nisshin OilliO Group, Ltd. since April 2003 and I have had a total of 5 years work and research experience in Food Chemistry.

3. I, under my direct supervision and control, have conducted the following experiment:

The undersigned declares that all statements made herein of his/her own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code and that willful false statements may jeopardize the validity of the application or any patent issued thereon.

Signed this 18 day of February, 2009

佐藤 明美

Akemi SATO

EXPERIMENTAL REPORT

Akemi SATO
The Nisshin OilliO Group, Ltd.

1. Purpose of experiment

To confirm that the dressing according to the prescription in Table 2 of Qiang is classified to an emulsified liquid dressing (viscosity: less than 30000 cP) in accordance with the classification of dressings in the Japanese Agricultural Standards, though the acidic emulsified mayonnaise-like food according to the present invention is classified to a semi-solid dressing (viscosity: 30000 cP or more).

2. Method

Examples 1 and 2

Dressings having compositions shown in the following Table 1 were prepared as experimental products according to the prescription in Table 2 of Qiang. Table 2 in this experimental report shows the prescription shown in Table 2 of Qiang.

Table 1

Raw Material	Product Name	Manufacturer	Example 1 (% by mass)	Example 2 (% by mass)
Octenyl succinate starch (produced using potato starch as raw material)	Trecomextwalb 02	Oji Cornstarch Co., Ltd.	1.0	-
Octenyl succinate starch (manufactured using waxy cornstarch as raw material)	N cleamer 46	Japan NNC	-	1.0
Rapeseed oil	Nisshin Canola Oil	Nisshin Oillio Group, Ltd.	36.3	36.3
Sugar	refined sugar	Nissin Sugar Manufacturing Co., Ltd.	19.4875	19.4875
White vinegar (acidity: 10%)	MHV-310	Mizkan Nakanos	6.2532	6.2532
Water	water		23.3968	23.3968
Sweet relish (pickles)	Hengstenberg 212 mL Cornichons	Ryoka Japan	5.5	5.5
Ketchup	Kagome tomato ketchup	Kagome Co., Ltd.	3.1	3.1
Yolk (containing 20% sugar)	Power yolk No. 5	Taiyo Kagaku Co., Ltd.	2.8125	2.8125
Salt	salt	Nihonkaisui Co., Ltd.	2.1	2.1
Xanthan gum	Eco gum	Dainippon Pharmaceutical Co., Ltd.	0.05	0.05
		Total	100	100

Table 2

Raw Material	(%)
High-viscosity starch octenylsuccinate	1.00
Vegetable oil	36.3
Sugar	19.80
White vinegar (acidity: 3.2%)	19.30
Water	10.35
Sweet relish	5.50
Ketchup	3.10
Yolk (containing 10% sugar)	2.50
Salt	2.10
Xanthan gum	0.05
Total	100.0

The prescriptions shown in Table 1 are different from that shown in Table 2 in the amounts of white vinegar, yolk, and water. This is because that the acidity of the white vinegar and the content of yolk used are different from those shown in Table 2 of Qiang. Accordingly, the respective absolute quantities were adjusted by controlling the amounts of white vinegar and yolk, and the total amount was adjusted with water.

The dressings were prepared from the raw materials of the prescriptions shown in Table 1 according to the following process:

Octenyl succinate starch was added to a mixture of water, vinegar, and ketchup, followed by stirring at 2000 rpm for 15 minutes. Then, a previously prepared mixture of xanthan gum, sugar, and salt was added to this mixture while stirring at 2000 rpm. Then, yolk was added thereto, and the resulting mixture was sufficiently mixed. To the mixture, oil was gradually added while stirring at 4000 rpm over about 5 minutes. After the completion of the addition of oil, the mixture was stirred at 6000 rpm for 15 minutes for finishing emulsification to give a dressing. The stirring was carried out with a TK Homo Mixer manufactured by Tokusyu Kika

Kogyo Co.

The obtained dressings were subjected to the measurement of viscosity as follows:

A sample stored at 20°C was rotated five times at 12 rpm using a rotor No. 3, and then the viscosity of the sample was measured with a BM-type rotational viscometer three times. The average of three measurement values was used as the viscosity. The measurement was carried out using a BM-type rotational viscometer manufactured by Tokimec Inc. The viscometer used here is different from that (i.e., BH-type) used in Examples in the specification of the present application. This is because that the BM-type viscometer is suitable for measuring relatively low viscosity, such as those of dressings, and the BH-type viscosity is suitable for measuring relatively high viscosity, such as those of semi-solid products. Table 3 shows the results.

3. Result

Table 3

	Viscosity (cP)
Example 1	5360 (20°C)
Example 2	2080 (20°C)

The dressings of Example 1 and Example 2 (which corresponds to the prescription shown in Table 2 of Qiang) were inspected for appearance, flavor, and particle images to confirm that they were satisfactory. In addition, the prepared dressings were similar to commercially available "southern island dressing (emulsified liquid dressing)". The viscosities of the dressings were 5360 cP and 2080 cP.

4. Conclusion

As obvious from the above, it was confirmed that the dressings of Examples 1 and 2 described in this experimental report were emulsified liquid dressings in accordance with the classification of dressings in the Japanese Agricultural Standards.